

Appl. No. 10/630,330
Amdt. dated: July 15, 2005
Reply to Office action of June 15, 2004

REMARKS/ARGUMENTS

Claims 36-62 and 87-88 remain pending in this Application. In the Office Action mailed on June 2, 2005, the Examiner requested the claims be restricted to one (1) of three (3) inventions that include:

- I. Claims 1-34 and 85-86, drawn to a method for performing simultaneous critical angle measurements to determine elasticity including the elasticity of bone, classified in class 600, subclass 438;
- II. Claims 36-62 and 87-88, drawn to transducer apparatus and method for elasticity measurements, classified in class 73, subclass 637; and
- III. Claim 63-84 and 89, drawn to a system and method of measuring bone anisotropy, classified in class 600, subclass 449.

Applicants respectfully *traverse* the restriction and address the basis for the Examiner's restriction below.

Restriction/Election

The Examiner requested that the claims be restricted to one of three inventions. Applicants hereby provisionally elect *with traverse* Group II—claims 36-62 and 87-88, drawn to transducer apparatus and method for elasticity measurements.

Traversal is based on the fact that a thorough search of the subject matter of Group II (claims 36-62 and 87-88) as well as Group I (claims 1-34 and 85-86) and Group III (claims 63-84 and 89) would necessarily include all art classifications 600 and 73 cited by the Examiner. Groups I and III, which relate to system and methods of using all have similar effect and function relating to critical angle measurements to determine elasticity and may be examined together as well. As such, examination of claims 1-34, 63-86 and 89 on the merits would impose no additional burden on the Patent Office. *See* MPEP 803.

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Conclusion


Accordingly, after entry of this Preliminary Amendment, claims 36-62 and 87-88 are pending in the above-identified Application. Examination on the merits and an early Notice of Allowance are earnestly requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Dated this July 15, 2005.

Respectfully submitted,

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